

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DARRYL PARKMAN,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:21-1371
	:	
v.	:	(JUDGE MANNION)
	:	
CARBONDALE POLICE	:	
DEPARTMENT, <i>et al.</i>,	:	
	:	
Defendants	:	
	:	

ORDER

Pending before the court is the report of Magistrate Judge Joseph F. Saporito, Jr., which recommends that the plaintiff's complaint be dismissed, with prejudice, for failure to state a claim upon which relief can be granted. (Doc. 27). The parties have failed to file objections to the report and recommendation.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges

should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

Upon review of the record, including the plaintiff's complaint, exhibits attached thereto, exhibits subsequently filed by the plaintiff, and Judge Saporito's report and recommendation, the court finds no clear error of record. Moreover, the court agrees with the sound reasoning which led Judge Saporito to his conclusions. As such, the court will adopt the report and recommendation in its entirety.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1)** The report and recommendation of Judge Saporito (**Doc. 27**) is **ADOPTED IN ITS ENTIRETY** as the decision of the court.
- (2)** The plaintiff's complaint (**Doc. 1**) is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted.

(3) The Clerk of Court is directed to **CLOSE THIS CASE.**

s/ Malachy E. Mannion

MALACHY E. MANNION

United States District Judge

DATE: June 27, 2022

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